

REMARKS

Applicant appreciates the Examiner's thorough consideration provided the present application. Claims 1-17 are now present in the application. Claims 4, 9, 11 and 12 have been amended. Claims 1, 9, 11 and 16 are independent. Reconsideration of this application, as amended, is respectfully requested.

Claim Rejections Under 35 U.S.C. § 102

Claims 9, 10, 16 and 17 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Yi et al., U.S. Patent No. 7,054,270. This rejection is respectfully traversed.

Claim 9 contains the limitations of "if the value of the N_{LENGTH} field is not equal to 0; discarding data octets in the PDU having its SN equal to $\text{SN_MRW}_{\text{LENGTH}}$ up to and including the data octet indicated by the first "Length Indicator" field of the same PDU".

The Examiner has stated on page 4 of the Office Action dated 05/24/2007 that "Yi et al. discloses when the N_{LENGTH} is greater than 0 the receiver preferably discards the first N_{LENGTH} **LI (length indicator)** and the corresponding data octets in the PDU with sequence number $\text{SN_MRW}_{\text{LENGTH}}$ (column 11, lines 24-27)".

However, Yi et al. actually discloses in column 11, lines 24-27: "when the N_{LENGTH} is greater than 0 the receiver preferably discards the first N_{LENGTH} **LIs (length indicators)** and the corresponding data octets in the PDU with sequence number $\text{SN_MRW}_{\text{LENGTH}}$." In other words, the Examiner has neglected the plural form of **LIs** disclosed by Yi et al.

In fact, this feature is the characteristic feature of this invention. When, for example, $N_{\text{LENGTH}} = 5$, Yi et al. discards more than one (the first five) **LIs** and the corresponding data

octets in PDU with $SN = SN_MRW_{LENGTH}$, while the claimed invention discards one LI (the first LI) and the corresponding data octets in PDU with $SN = SN_MRW_{LENGTH}$. Because of this feature, this invention can save 4 SDUs contained in the PDU with $SN = SN_MRW_{LENGTH}$.

For the above reasons, claim 9 is patentable over Yi et al. Claim 16 is also patentable for the same reasons. Claims 10 and 17 are dependent on claims 9 and 16, and should be allowed if claims 9 and 16 are allowed. Reconsideration of claims 9-10 and 16-17 is therefore respectfully requested.

Claim Rejections Under 35 U.S.C. § 103

Claims 1-8 and 11-15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yi et al. in view of Torsner, U.S. Patent Application Publication No. US 2003/0169741. This rejection is respectfully traversed.

Claim 1 contains the limitations of “while there exists a SN_MRW_i field, other than the SN_MRW_{LENGTH} field, containing the same value as the SN_MRW_{LENGTH} field has, deleting the SN_MRW_i field containing the same value as the SN_MRW_{LENGTH} field has”.

The Examiner has stated on page 12 of the Office Action dated 05/24/2007 that Yi et al. does not disclose this limitation. The Examiner goes on to quote disclosure (page 4, paragraph 41, lines 1-28) by Torsner et al. and argues that “Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to have discloses having a method for transmitting data from the RLC layer in radio communication as taught by Yi et al. which include stall avoidance mechanism and sequence ambiguity in an automatic repeat request protocol as taught by Torsner to prevent delays and increase throughput rate.”

Applicant respectfully disagrees with this rejection of claim 1 because the claimed limitations have nothing to do with sequence ambiguity as disclosed by Torsner et al. (page 4, paragraph 41, lines 1-28). Therefore, one skilled in the art would not be motivated to combine the references of Yi et al. and Torsner et al.

Besides, Yi et al. discloses “The parameter LENGTH preferably comprises 4 bits, and indicates the number of the discarded SDUs. The parameters SN_MRW₁, SN_MRW₂, ..., SN_MRW_{LENGTH - 1}, and SN_MRW_{LENGTH} represent sequence numbers of PDUs belonging to ends of the discarded SDUs.” (column 10 lines 1-5) and “The Parameter N_{LENGTH} indicates which SDUs so far correspond sequentially to the last discarded SDU having the PDU belonging to (or representing) an end of the last discarded SDU.”

Thus, say LENGTH = 2, i.e., 2 SDUs are to be discarded. Suppose both discarded SDU end at PDU with SN = 5. By Yi et al, we have LENGTH = 2, SN_MRW₁ = 5, SN_MRW₂ = 5 and N_{LENGTH} = 2. On the contrary, according to the invention recited in claim 1, we have LENGTH = 1, SN_MRW₁ = 5 and N_{LENGTH} = 1. Therefore, with claim 1, the MRW SUFI is shorter.

For these reasons, Applicant respectfully submits that claim 1 is patentable over the combination of Yi et al. and Torsner et al. Claim 11 is also patentable for the same reasons.

Claim 8 recites that the length of the N_{LENGTH} field can be one bit. The Examiner argues that “It would have been obvious to one having ordinary skill in the art at the time the invention was made to reduce the bits, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art.”

However, one bit for N_{LENGTH} is not within workable range of disclosure by Yi et al. since N_{LENGTH} must represent more than 1 LI in the PDU with $SN = MRW_{\text{LENGTH}}$ (see column 10, lines 7-10 and lines 37-38) and $N_{\text{LENGTH}} = 0$ has been reserved for a special meaning. (see column 11, lines 33-37). On the contrary, the maximum value of N_{LENGTH} is 1 by claim 1 so that N_{LENGTH} could be represented by one bit. This is not obvious to the skilled person in view of disclosures by Yi et al. and Torsner et al, and therefore claim 8 is patentable over the cited prior art.

Furthermore, claims 2-8 and 12-15 are dependent on claims 1 and 11, and should be allowed if claims 1 and 11 are allowed. Reconsideration of claims 1-8 and 11-15 is therefore respectfully requested.

CONCLUSION

It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.

In the event there are any matters remaining in this application, the Examiner is invited to contact Joe McKinney Muncy, Registration No. 32,334 at (703) 205-8000 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

By 

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